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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,192	12/23/1999	TOMOO IIZUMI	862.3196	7131
5514	7590	04/28/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GRANT II, JEROME	
		ART UNIT	PAPER NUMBER	
		2626	DATE MAILED: 04/28/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/471,192	IIZUMI ET AL.
Examiner	Art Unit	
Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,7-11 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-4,7-11,31 and 32 is/are allowed.
- 6) Claim(s) 33-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____ .

Detailed Action

1.

Claims 33-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While the present application has support for delay circuits and delaying them by times T, 2, and 3T (see top of page 6) and varying data sizes depending on banding positions (see the bottom of page 15), the specification does not support "...wherein each of a plurality of forming means forms images by a predetermined time difference according to the physical position of each of said plurality of image forming means." The language in quotes appears in the last limitations of claims 33 and 37.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi.

With respect to claims 33 and 37, Kobayashi teaches an image processing apparatus for performing a method comprising: rendering means (conversion unit 1) for performing a rendering step of rendering first color space data (RGB information) and second color space data (CMYK); a step of forming a plurality of images via plurality of image forming means (ink reservoirs CMYK from printer 27) ; whereby each of the image forming means, ink reservoirs, output the color ink according to an output timing

according to Step 51 by means of output rendering device 7 where for each coordinate X, Y a color value P at a predetermined rendering time is assigned for that point. See col. 9, lines 1-6 for establishing the color P which consists of four different color image forming means.

With respect to claim 34, see figure 1 of Kobayashi.

With respect to claim 35, Kobayashi teaches conversion means 1 for converting the data into the first color space (RGB) into data in the second color space (CMYK) and wherein said image forming means (printer 27) forms an image based on one of data rendered in the second color space by said rendering means and data converted by said conversion means. See units 24-26 of figure 5 or element 6 of figure 1.

With respect to claim 36, Kobayashi teaches a ROP having a display. See col. 1, lines 20-27. The display displays the color space maps shown by figures 4a-4d. See also col. 6, lines 23-30 which teaches the interaction between the ROP and the conversion of the first and second color spaces.

3.

Claims Allowed

Claims 1-4 and 7-9 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... wherein said rendering means performs band mapping of data if band mapping is possible, and wherein, when band mapping is impossible in said rendering means, said apparatus informs a host computer to which said apparatus is connected that the band mapping is impossible."

Claim 10 is allowed for the reason the prior art does not teach or suggest, "... wherein said rendering step includes performing band mapping of data if band mapping is possible, and wherein, when band mapping is impossible in said rendering step, notification is sent to a host computer to which an apparatus performing said method is connected , the notification stating that the band mapping is impossible."

Claim 11 is allowed for the reason the prior art does not teach or suggest, "... wherein said rendering step includes performing band mapping of data if band mapping is possible, and wherein, when band mapping is impossible in said rendering step, notification is sent to a host computer to which an apparatus performing said method is connected, the notification stating that the band mapping is impossible."

Claims 31 and 32 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... rendering means for acquiring the image data held in said holding means in units of colors by accessing said holding means via a bus, and generating rendering data... determining means for, when a format of the image data is RGB format, predicting the rendering time for generating the rendering data in the RGB format based on the load of bus for acquiring the image data in the RGB format in units of colors, and determining whether or not it is possible to generate the rendering data...wherein if it is determined by said determining means that it is not possible to generate the rendering data, an image in YMCK format is formed by demanding that the information processing apparatus transmits image data in YMCK format."

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4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II